

APPROVED 10-16-08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Zoning Board of Appeals meeting held on Thursday, September 18, 2008 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa RanciatoóViele, Vice Chairman
Donald Clark, Secretary
Joseph Cappucci
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate, sitting for Caren M. Genovese
Cheryl Juniewicz, Alternate

MEMBERS ABSENT:

Caren M. Genovese

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:31 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. Mr. Hannon stated that application #08-41, 81 Old Broadway West, has been withdrawn by the applicant.

1. #08-41 Application of Vincent Cervoni, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West, (Map 66, Lot 16), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IL-30 Zoning District.

This application was withdrawn by the applicant.

Mr. Clark read the call for the first agenda item.

2. #08-47 Application of Thomas M. Ferraiolo, Owner and Applicant, relative to 138 Warner Road, (Map 32, Lot 11), per Section 2.1.1.9, requesting a variance of 4.31ø to permit a 20.69ø side yard setback where 25ø is required, and a variance of 2.87ø to permit a 22.13ø rear yard setback where 25ø is required. R-40 Zoning District.

Mr. Fredricksen, Land Use Administrator, explained to the Board that a document was received September 18, 2008 by the Town Attorney, John Parese, suggesting that the Zoning Enforcement Officer not endorse this permit due to non-conformity. Mr. Hannon then read Attorney Parese's letter to the Board.

Mr. Thomas Ferraiolo presented the application to convert an existing, one story, garage into a guest house. Mr. Arthur Hausman, Zoning Enforcement Officer, and Mr. Alan Fredricksen further explained the situation with this legal non-conforming issue. Mr. Steven Smith, contractor, explained that a permit was obtained for the garage and, at that time, a survey wasn't required so it was not built within the setbacks. They are now trying to obtain the appropriate variances in order to bring the garage closer to conformity. The Board asked a few more questions and Mr. Smith responded.

Mr. Hannon asked for public comment.

Public comment:

1. Janice and Anthony Mongillo, 3 Benedict Drive, stated that their side yard abuts the applicants and they are concerned about their privacy being encroached upon. They also feel that the proposed guest house could become a permanent residence or rental property; therefore, decreasing their property value. They are asking that this application be denied.
2. Mr. Charles DeMartino, 27 Benedict Drive, is a 40 year resident, who is in opposition to this application and agrees with Janice and Anthony Mongillo's concerns. He is asking that this application be denied. He questioned if the applicant obtained a permit when the garage was built. He asked the board members to take another look at the neighborhood and would like to find out if the applicant has sewer usage off of Benedict Drive. He would also like to see a blight ordinance in place.

Mr. Smith addressed the public's comments. He stated that they are not installing sewer pipes. He also stated that the garage is one level and was lifted four feet for insulating and that a kitchen is not being proposed, only a sink and small window.

There being no further public comment, the matter was closed.

Mr. Clark read the call for the next agenda item.

3. #08-48 Application of Jennifer and George Giering, Owners and Applicants, relative to 74 Mowry Street, (Map 41, Lot 152), per Section 2.1.1.9, requesting a variance of 7' to permit an 18' front yard setback where 25' is required. R-12 Zoning District.

George and Jennifer Giering, owners, presented the application for a 6' x 18' front porch with a roof. The Board asked questions and Mr. Giering responded.

There being no public comment, the public hearing was closed.

DELIBERATION SESSION:

2. #08-47 Application of Thomas M. Ferraiolo, Owner and Applicant, relative to 138 Warner Road.

Mrs. Ranciato-Viele moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Hannon ó nay Ranciato-Viele - nay Clark - nay Cappucci- nay Mulligan ó nay

In denying the application, the Board stated the following:

1. Changing the use would expand the non-conformity.
2. Changing the use is not in conformity with the neighborhood.
3. The Board is in agreement with Attorney John Parese's letter of explanation regarding the applicability of the regulations and State Statutes.

3. #08-48 Application of Jennifer and George Giering, Owners and Applicants, relative to 74 Mowry Street.

Mr. Clark moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon ó aye Ranciato-Viele - aye Clark - aye Cappucci- aye Mulligan ó aye

In approving the application, the Board stated the following:

1. The request is reasonable and not excessive.
2. The addition is in conformance with the neighborhood.
3. The proposed addition must remain an open, covered porch.

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer, addressed the following Cease & Desist Orders with the Board.

410 Universal Drive, Bernie's Audio, Video & Appliance

-Sign violation

53 Susan Lane, Joshua Lidsky

- Fence violation, moving towards conformity

10 North Hill Road

-Soil & erosion violation, pending action

CORRESPONDENCE: None

MINUTES:

August 21, 2008

Mr. Cappucci moved to approve the minutes of August 21, 2008; Mr. Clark seconded the motion; the Board members voted as follows:

Hannon ó aye Ranciato-Viele ó aye Clark - aye Cappucci ó aye Mulligan - aye

OTHER: None

ADJOURN:

There being no further business, Mr. Cappucci moved to adjourn; Mrs. Ranciato-Viele seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:31 PM.